

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

DELJUAN MARKE GOODLOW.

Case No. 3:20-cv-00364-MMD-CLB

Petitioner,

ORDER

v.

ISIDRO BACA, *et al.*,

Respondents.

ISIDRO BACA, *et al.*,
Respondents.

This action is a petition for writ of habeas corpus by Deljuan Marke Goodlow, an individual incarcerated at Nevada's Warm Springs Correctional Center. The Court received Goodlow's habeas petition (ECF No. 1-1), along with an application to proceed *in forma pauperis* (ECF No. 1) and a motion for appointment of counsel (ECF No. 1-2) on June 17, 2020. In an order entered on July 2, 2020, the Court denied Goodlow's application to proceed *in forma pauperis* and ordered Goodlow to pay the filing fee. (ECF No. 3.) Goodlow paid the filing fee on July 15, 2020. (ECF No. 4.)

Therefore, the Court has examined Goodlow's habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court will direct the Clerk of the Court to serve the petition upon Respondents.

Goodlow filed, with his petition, a motion for appointment of counsel. (ECF No. 1-2.) "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per curiam)). The court may, however, appoint counsel "if the interests of justice so require." See 18 U.S.C. § 3006A; see also Rule 8(c), Rules Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196.

1 The Court determines that, in the interests of justice, appointment of counsel is warranted
2 in this case.

3 It is therefore ordered that the Clerk of the Court is directed to separately file the
4 petition for writ of habeas corpus (ECF No. 1-1), and the motion for appointment of counsel
5 (ECF No. 1-2).

6 It is further ordered that the Clerk of the Court is directed to add Aaron D. Ford,
7 Attorney General of the State of Nevada, as counsel for Respondents.

8 It is further ordered that the Clerk of the Court is directed to electronically serve
9 upon Respondents a copy of the petition for writ of habeas corpus and a copy of this order.

10 It is further ordered that Respondents will have 20 days from the date of this order
11 to appear in this action. Respondents will not be required to respond to the habeas petition
12 at this time.

13 It is further ordered that Petitioner's motion for appointment of counsel (ECF No. 1-
14 2) is granted. The Federal Public Defender for the District of Nevada (FPD) is appointed
15 to represent Petitioner. If the FPD is unable to represent Petitioner due to a conflict of
16 interest or other reason, then alternate counsel will be appointed. In either case, counsel
17 will represent Petitioner in all federal-court proceedings relating to this matter, unless
18 allowed to withdraw.

19 It is further ordered that the Clerk of the Court is directed to electronically serve
20 upon the FPD a copy of this order, together with a copy of the petition for writ of habeas
21 corpus (ECF No. 1-1).

22 It is further ordered that the FPD will have 20 days from the date of this order to file
23 a notice of appearance, or to notify the Court of its inability to represent Petitioner in this
24 case.

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1 It is further ordered that the Court will establish a schedule for further proceedings
2 in this action after counsel appears for Petitioner and Respondents.

3 DATED THIS 16th day of July 2020.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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